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8 Attorney for Defendants
9 ALLIED PROPERTY AND CASUALTY
10 INSURANCE COMPANY, AMCO INSURANCE
11 COMPANY, and NATIONWIDE MUTUAL
12 INSURANCE COMPANY

13 UNITED STATES DISTRICT COURT
14 SOUTHERN DISTRICT OF CALIFORNIA
15 SAN DIEGO DIVISION

16 1800 SOUTH MAPLE STREET, LLC, a
17 California Limited Liability Company;
18 RALPH J. GIANNELLA, an individual;
19 GIANNELLA PROPERTIES, INC., a
20 California Corporation; WILLIAM G.
21 AYYAD, an individual; WILLIAM G.
22 AYYAD, INC., a California Corporation;
23 an PREMIER COMMUNITIES, LLC, a
24 California Limited Liability Company,

25 Plaintiff,

26 vs.

27 ALLIED PROPERTY AND
28 CASUALTY INSURANCE COMPANY,
an Iowa Corporation; AMCO
INSURANCE COMPANY, an Iowa
Corporation; NATIONWIDE MUTUAL
INSURANCE COMPANY, an Ohio
Corporation, and DOES 1 to 100,
inclusive,

Defendants.

CASE No. 07-CV-2030

**DECLARATION OF HOWARD M.
GARFIELD IN SUPPORT OF JOINT
MOTION TO CONTINUE EARLY
NEUTRAL EVALUATION CONFERENCE**

Action Filed: September 10, 2007

1 I, Howard M. Garfield, declare as follows:

2 I. I am an attorney, licensed to practice law before all courts in the State of
3 California. I am a partner in the law firm of Long & Levit, counsel of record in this matter for
4 Defendants ALLIED PROPERTY AND CASUALTY INSURANCE COMPANY, AMCO
5 INSURANCE COMPANY, and NATIONWIDE MUTUAL INSURANCE COMPANY. I have
6 personal knowledge of the following facts, and would competently testify to their truthfulness if
7 called as a witness in this matter.

8 i. The representative for Defendant Nationwide Mutual Insurance Company,
9 with full settlement authority, has a prior engagement she must attend to on December 4, 2007,
10 and cannot be present in person at the scheduled ENE Conference.

11 ii. During the week of, and including, December 4, 2007, I have scheduled
12 and will be meeting to prepare witnesses to a binding arbitration to be held the following week. It
13 would be a great hardship for me to attend the scheduled ENE Conference and would
14 disadvantage my client in that proceeding.

15 I declare under penalty of perjury, under the laws of the State of California, that
16 the foregoing is true and correct and that this declaration was executed this 21st day of
17 November, 2007 at San Francisco, California, United States.

18 Dated: November 21, 2007

LONG & LEVIT LLP

19
20 By



HOWARD M. GARFIELD
Attorney for Defendants
ALLIED PROPERTY AND
CASUALTY INSURANCE
COMPANY, AMCO INSURANCE
COMPANY, and NATIONWIDE
MUTUAL INSURANCE COMPANY

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